

STATE OF MAINE

SUPERIOR COURT, ss.  
COUNTY OF \_\_\_\_\_, ss.

DOCKET NO.: \_\_\_\_\_

\_\_\_\_\_  
Petitioner (*Print full name as it appears on Criminal Judgment*)

Date of Birth: \_\_\_\_\_

**PETITION FOR  
POST-CONVICTION REVIEW**

v.

STATE OF MAINE

I seek a review of the following Criminal Judgment(s) or court proceeding(s) that occurred after I was sentenced in my case.

**A. TRIAL COURT INFORMATION**

1. My case was filed in the following court:  
☐ Superior Court/Unified Criminal Docket in \_\_\_\_\_ (County)  
☐ District Court in \_\_\_\_\_ (Town or City)
2. The Docket Number of my case is: \_\_\_\_\_
3. The date of the Criminal Judgment in my case is: \_\_\_\_\_
4. The presiding Judge or Justice in my case was: \_\_\_\_\_
5. This is a list of the crime(s) for which I was charged in my case and my plea to each charge:  
(*For example: Charge = Theft; and Plea = Not Guilty*):

Charge(s)	Plea(s)
_____	_____
_____	_____
_____	_____

6. I was convicted of the following charges and given the following sentence(s) in my case:

Charge(s)	Sentence(s)
( <i>For example: Charge = Theft; and Sentence = 6 years; all but 18 months suspended; 2 years probation</i> ):	
_____	_____
_____	_____
_____	_____

7. I was convicted of these charge(s) following:  
☐ My plea(s) of Guilty  
☐ A Jury Trial  
☐ A Non-Jury (Bench) Trial
8. [*Answer the following only if you had a Jury Trial or a Bench Trial*]  
☐ I testified at the trial  
☐ I did not testify at the trial

9. At the time of the trial or plea(s) in my case:

- ☐ I was represented by Attorney \_\_\_\_\_
- ☐ I was not represented by an attorney.

10. Are you asking the court to assign an attorney to represent you in this Post-Conviction Review?

- ☐ Yes
- ☐ No

*(If you answered "Yes" to question 10, then (a) you must fill out a Motion for Determination of Indigency and Assignment of Counsel [Form No. CR-031]; (b) if you are in jail/prison you must also obtain a certificate from that jail/prison as to the amount of money or securities on deposit to your credit in any account in that institution; and (c) file both documents with this petition)*

**B. RESTRAINT OR IMPEDIMENT (15 M.R.S. § 2124)**

*"Restraint or Impediment" refers to how the Criminal Judgment you are challenging presently affects your life or will affect your life in the future.*

***Check only the box(es) that apply to you.***

- ☐ 1. The Criminal Judgment I am challenging is causing me a **PRESENT DIRECT RESTRAINT OR OTHER IMPEDIMENT** because:
- ☐ I am incarcerated at (name of jail/prison) \_\_\_\_\_
- ☐ I am on probation, parole, or other conditional release
- ☐ I was sentenced to an unconditional discharge
- ☐ The jail/prison sentence that I received was completely satisfied at the time the sentence was imposed by the court because of credit for time that I had already earned
- ☐ My sentence to jail/prison, probation, parole or other conditional release must be served in the future because I am presently on bail while my appeal of this Criminal Judgment is pending
- ☐ My sentence to jail/prison, probation, parole or other conditional release must be served in the future because I must serve another sentence first
- ☐ I was Ordered to pay a fine or restitution in my case, but I have not fully paid that fine or restitution
- ☐ The Criminal Judgment is a juvenile disposition, which restrains or impedes me in the following way: \_\_\_\_\_
- ☐ I am committed to the Maine Department of Health and Human Services because I was found not criminally responsible by reason of insanity. **I understand that I cannot use this petition for post-conviction review to ask to be released or discharged from an institutional inpatient residence and be allowed to live in a permanent residence in the community**
- ☐ 2. The Criminal Judgment is causing me a **FUTURE RESTRAINT OR OTHER IMPEDIMENT** because I am presently serving a jail/prison sentence resulting from another case and, after that, I will be committed to the Maine Department of Health and Human Services as a result of being found not criminally responsible by reason of insanity in the Criminal Judgment that I am challenging. **I understand that I cannot use this petition for post-conviction review to ask to be released or discharged from an institutional inpatient residence and be allowed to live in a permanent residence in the community.**

- ☐ 3. The Criminal Judgment is causing me a **PRESENT INDIRECT RESTRAINT OR OTHER IMPEDIMENT** because:
- ☐ After I was convicted of the crime(s) in the Criminal Judgment that I am challenging, I was convicted of a new crime and sentenced to jail/prison; **AND** I received a longer sentence for the new crime than what I otherwise would have received because of the Criminal Judgment I am challenging, **AND** Both the crime(s) in the Criminal Judgment I am challenging and the new crime are punishable by a sentence of a year or more in prison (*Class A, B or C crimes*)
  - ☐ After I was convicted of the crime(s) in the Criminal Judgment that I am challenging, I was convicted of a new crime and sentenced to jail/prison; **AND** By law, the new crime for which I am serving a sentence required proof that I was convicted of the crime(s) in the Criminal Judgment that I am challenging, **AND** The crime(s) in the Criminal Judgment that I am challenging is punishable by one year or more in prison (*Class A, B or C crime*), and the new crime for which I have been convicted is either
    - ☐ Punishable by one year or more in prison (*Class A, B or C crime*), or
    - ☐ Was committed in another state or federal jurisdiction and is categorized as a felony or an infamous crime
  - ☐ The Criminal Judgment I am challenging is based on my plea of guilty or nolo contendere, which was accepted by the trial court on or after March 31, 2010; **AND** I was represented by an attorney at the time of my plea in that case; **AND** I was not a citizen of the United States; **AND** As a result of my plea, I am subject to the following pending deportation proceeding under federal immigration law
    - ☐ Place of deportation proceeding \_\_\_\_\_
    - ☐ Date of deportation proceeding \_\_\_\_\_

**C. GROUNDS FOR RELIEF** (15 M.R.S. § 2125). The Criminal Judgment I am challenging or the sentence I received is unlawful or unlawfully imposed, or the impediment to me that resulted from the court proceeding after I was sentenced is unlawful, as a result of the following error(s) or ground(s) for relief in my case. **[CAUTION: If you fail to set forth any grounds for relief in your Petition, you may be prevented from presenting them at a later date]**

1. Ground One: \_\_\_\_\_

Supporting FACTS: \_\_\_\_\_

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2. Ground Two: \_\_\_\_\_

Supporting FACTS: \_\_\_\_\_

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3. Ground Three: \_\_\_\_\_  
Supporting FACTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Ground Four: \_\_\_\_\_  
Supporting FACTS: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**D. WAIVER OF GROUNDS FOR RELIEF (15 M.R.S. § 2128)**

*Please answer the following questions:*

1. Did you appeal the Criminal Judgment or the post-judgment proceedings you are challenging in this Petition to the Maine Supreme Judicial Court or any other court?

☐ Yes

☐ No

2. If you answered “Yes” to question 1, did you raise the same errors or grounds for relief in your appeal that you are now raising in this Petition?

☐ Yes

☐ No

3. If you answered “No” to question 2, please explain why you did not raise the same errors or grounds for relief in your appeal? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Have you previously filed a petition for post-conviction review regarding the Criminal Judgment or post-sentencing proceedings that you are challenging in this Petition?

☐ Yes

☐ No

5. If you answered “Yes” to question 4, did you raise any of the same errors or grounds for relief in your previous petition that you have raised in this Petition?

☐ Yes

☐ No

6. If you answered “No” to question 5, please explain why you could not have raised those same errors or grounds for relief in your earlier petition? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**E. EXHAUSTION OF REMEDIES (15 M.R.S. § 2126)**

*Please answer the following questions:*

1. Did you file any motions in the trial court challenging the Criminal Judgment or the post-judgment proceedings you are challenging in this Petition? (*For example: motion for acquittal; motion for a new trial; etc.*)  
☐ Yes  
☐ No
2. If you answered “Yes” to question 1, what were the motions; what was the result of each motion; and what was the date of each result? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Did you appeal the Criminal Judgment or the post-judgment proceedings you are challenging in this Petition to the Maine Supreme Judicial Court or any other court?  
☐ Yes  
☐ No
4. If you answered “Yes” to question 3, what was the decision of the appellate court and the date of that decision? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. Did you apply to the Maine Supreme Judicial Court for permission to appeal your sentence in the Criminal Judgment you are challenging in this Petition?  
☐ Yes  
☐ No
6. If you answered “Yes” to question 5, what was the decision of the Maine Supreme Judicial Court and the date of that decision? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
7. Did you file a petition for clemency (pardon) to the Governor of Maine related to the Maine the Criminal Judgment you are challenging in this Petition?  
☐ Yes  
☐ No
8. If you answered “Yes” to question 7, what was the Governor’s decision and the date of that decision? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
9. Did you file a petition for a Writ of Habeas Corpus in the United States District Court related to the Criminal Judgment you are challenging in this Petition?  
☐ Yes  
☐ No

10. If you answered “Yes” to question 9, answer each of the following questions:
- Date your petition for a Writ of Habeas Corpus was filed: \_\_\_\_\_
  - The U.S. District Court’s decision: \_\_\_\_\_
  - Date of U.S. District Court’s decision: \_\_\_\_\_
  - U.S. District Court’s Docket Number: \_\_\_\_\_
  - If you appealed the decision of the U.S. District Court to the First Circuit Court of Appeals, what was the decision and date of the decision of that appellate court: \_\_\_\_\_  
\_\_\_\_\_
11. Did you seek any administrative remedies regarding the Criminal Judgment you are challenging in this Petition?
- ☐ Yes
- ☐ No
12. If you answered “Yes” to question 11, what was the name of the administrative agency, what was the agency’s decision and the date of that decision? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
13. What other remedies did you seek related to the Criminal Judgment you are challenging in this Petition? \_\_\_\_\_  
\_\_\_\_\_

**F. TIME FOR FILING (15 M.R.S. § 2128-B).**

*Please provide any dates for the following that apply regarding, the Criminal Judgment or post-sentencing proceeding that you are challenging in this Petition.*

- Please check and complete all the following that apply:

☐ Date of the Criminal Judgment or post-sentencing proceeding: \_\_\_\_\_

☐ Date your appeal was decided: \_\_\_\_\_

☐ Date that a new law supporting one or more of your grounds for relief went into effect: \_\_\_\_\_

☐ Date that you learned about new facts supporting one or more of your grounds for relief: \_\_\_\_\_

☐ Date of any final administrative action: \_\_\_\_\_
- If you checked any of the boxes in 1, is this petition being brought more that one year after the most recent date listed by you?

☐ Yes

☐ No
- If you answered “Yes” to question 2, please state why your petition was not brought within the required one–year period: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. If you are subject to a pending deportation proceeding under federal immigration law, please check and complete the following:

(a) Date that you discovered that deportation proceedings have been started against you:

\_\_\_\_\_

(b) Was your petition for post-conviction review brought more that 60-days after this date?

☐ Yes

☐ No

(c) If you answered “Yes” to 4(b), please state why your petition was not brought within the required 60–day period: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## G. CONCLUSION

Wherefore, I pray that the court grant me the following relief:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Print name \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

## H. OATH OR AFFIRMATION

The Petitioner, \_\_\_\_\_, being first duly sworn, deposes (affirms) and says that he/she is the Petitioner named in the foregoing Petition; that he/she has read the same; that all matters set forth are true, except such matters as are alleged on information and belief; and, as to those matters, he/she believes them to be true.

Date: \_\_\_\_\_

Signature \_\_\_\_\_

Print name \_\_\_\_\_

Subscribed and sworn to (affirmed) before me this \_\_\_\_\_ day of \_\_\_\_\_.

(Month)

(Year)

\_\_\_\_\_  
(Notary Public) (Attorney)